

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

TRUE THE VOTE, et al.

PLAINTIFFS

v.

Civil Action No.: 3:14-cv-00532-NFA

**THE HONORABLE DELBERT HOSEMAN,
in his official capacity as Secretary of State for
the State of Mississippi, et al.**

DEFENDANTS

**MOTION OF THE MISSISSIPPI REPUBLICAN PARTY TO DISMISS
OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

COMES NOW the Mississippi Republican Party, one of the defendants in this action, sued herein under the name Republican Party of Mississippi, and respectfully moves this Court, pursuant to Fed.R.Civ.P. 12(b)(6), to dismiss the complaint filed against it, or, in the alternative, pursuant to Fed.R.Civ.P. 56, for entry of summary judgment in its favor, and would show unto the Court in support thereof the following:

1. None of the three counts of the complaint states a claim upon which relief can be granted against the Mississippi Republican Party.
2. In the alternative, no genuine issue of material fact exists with regard to any of the three counts asserted against the Mississippi Republican Party. The Party has violated no provision of the National Voter Registration Act, nor has it deprived any plaintiff of any rights secured by the Fourteenth Amendment to the United States Constitution.
3. In support of its alternative request for summary judgment, the Party relies on the testimony admitted at the hearing on July 24, 2014, together with documentary

evidence submitted at that time. The Party also relies on documents attached as exhibits to its previous filings in this action.

4. The brief of the Mississippi Republican Party filed simultaneously herewith in support of its motion explains the reasons it is entitled to the requested relief.

WHEREFORE, PREMISES CONSIDERED, the Mississippi Republican Party moves for the dismissal of the complaint filed against it or, in the alternative, for entry of summary judgment in its favor.

Respectfully submitted this the 6th day of August, 2014.

MISSISSIPPI REPUBLICAN PARTY

By: s/Michael B. Wallace
Michael B. Wallace (MSB No. 6904)
WISE CARTER CHILD & CARAWAY, P.A.
Post Office Box 651
Jackson, Mississippi 39202-0651
Telephone: 601.968.5500
mbw@wisecarter.com

T. Russell Nobile (MSB No. 100682)
WISE CARTER CHILD & CARAWAY, P.A.
1105 30th Avenue, Suite 300
Gulfport, Mississippi 39501
Telephone: 228.867.7141
trn@wisecarter.com

CERTIFICATE OF SERVICE

I, the undersigned counsel, do hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to the following:

Joseph M. Nixon
Kelly Hunsaker Leonard
Kristen W. McDanald
Lloyd Eades Hogue
BEIRNE, MAYNORD & PARSONS, LLP
1300 Post Oak Blvd., Suite 2500
Houston, Texas 77056
jnixon@bmpllp.com
kleonard@bmpllp.com
kmcdonald@bmpllp.com
ehogue@bmpllp.com

James Edwin Trainor
BEIRNE, MAYNORD & PARSONS, LLP
401 W. 15th Street, Suite 845
Austin, Texas 78701
ttrainor@bmpllp.com

Counsel for Plaintiffs

Harold Edward Pizzetta, III
Justin L. Matheny
OFFICE OF THE ATTORNEY GENERAL
Post Office Box 220
Jackson, Mississippi 39205-0220
hpizz@ago.state.ms.us
jmath@ago.state.ms.us

Counsel for The Hon. Delbert Hosemann

Pieter Teeuwissen
PIETER TEEUWISSEN, PLLC
Post Office Box 16787
Jackson, Mississippi 39236
adwoodard@bellsouth.net

Counsel for Hinds County, Mississippi Election Commission

Robert E. Sanders
YOUNG WELLS WILLIAMS SIMMONS, P.A.
Post Office Box 23059
Jackson, Mississippi 39225-3059
rsanders@youngwells.com

John Wesley Daughdrill, Jr.
YOUNG WELLS WILLIAMS SIMMONS, P.A.
Post Office Box 6005
Ridgeland, Mississippi 39157
wes.daughdrill@youngwells.com

Counsel for Jefferson Davis County, Mississippi Election Commission

Elise Berry Munn
BERRY & MUNN, P.A.
Post Office Drawer 768
Hazlehurst, Mississippi 39083
emunn@berrymunnpa.com

Counsel for Copiah County, Mississippi Election Commission

Jeffrey T. Webb
WEBB LAW FIRM, PLLC
Post Office Box 452
Carthage, Mississippi 39051
webblaw@bellsouth.net

Counsel for Leake County, Mississippi Election Commission

Lee Thaggard
BARRY, THAGGARD, MAY & BAILEY,
LLP
Post Office Box 2009
Meridian, Mississippi 39302-2009
thaggard@barrpalmerlaw.com

*Counsel for Lauderdale County,
Mississippi Election Commission*

Mike Espy
MIKE ESPY, PLLC
317 East Capitol Street, Suite 101
Jackson, Mississippi 39201
mike@mikespy.com

*Counsel for Madison County,
Mississippi Election Commission*

This the 6th day of August, 2014.

s/ Michael B. Wallace
Michael B. Wallace